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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER				
MAHMOUDI, HASSAN				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/716,251

Applicant(s)

BARRETT ET AL.

Examiner

Tony Mahmoudi

Art Unit

2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7, 8 and 10-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7, 8 and 10-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 January 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Remarks

1. In response to communications filed on 30-November-2007, claims 6 and 9 are canceled and claim 1 is amended per applicant's request. Therefore, claims 1-5, 7-8, and 10-13 are presently pending in the application, of which, claims 1 and 13 are presented in independent form.
2. In view of Applicant's Amendment to claim 1, the previous rejection under 35 U.S.C. 101 is hereby withdrawn. However, the Amendments have introduced an objection to the specification (see Specification Objection below) for details.

Priority

3. The instant application is a CIP (continuation-in-part) of U.S. Non-Provisional Patent Application S/N 10/334,271, filed on 31-December-2002.

The limitation of "servicing component" of the instant application is *not supported* by the specification of the parent application. Therefore, the filing date of the Provisional Patent Application (31-December-2002) is considered the effective filing date for those claim limitations of the instant application *which do not include and/or refer to* the "servicing component" limitation.

Accordingly, claims components including and/or referencing the “servicing component” limitation are subject to the effective filing date of **17-November-2003** (the actual filing date of the instant application.)

Response to Arguments

4. Applicants’ arguments filed on 30-November-2007 with respect to the rejected claims in view of the cited references have been fully considered but they are not deemed persuasive:

Regarding independent claim 13, Applicants argue that “Candella et al. does not teach that a positive weight is assigned for a successful confirmation of the user and account relationship.” The Examiner wishes to point out that “confirmation of the user” is not explicitly recited in the rejected claim 13. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claim 13 recites, among other elements, “assigning a positive weight for a successful confirmation of the relationship between said user identity with said account”. This indicates that the positive weight is assigned when the relationship (either positive or negative) between user identity and account is confirmed successfully. This is different from “successful confirmation of the user”. “Successful confirmation of the user” indicates that the user is confirmed as an authorized user. On the other hand, “successful confirmation of the user identity with the account” may not result in “confirming the user” as an authorized user. In other words, a confirmation check between the user identity and an account may be considered successful whether or not the user is confirmed as an authorized user. The system

can successfully confirm that the relationship between the user identity and the account is either proper, improper, invalid, or insufficient, resulting in the “confirmation process” to be successful but the user not necessarily being an authorized user.

As to the limitation of “assigning a positive weight for a successful confirmation of the relationship between said user identity with said account”, paragraph 32 of Candella teaches a scoring engine that assigns positive (and negative) scores based on the lower or greater risk factors, which can be configured to represent “successful” or “unsuccessful” transactions.

Applicants also argue that “French also fails to teach the assignment of a positive weight for a transaction.” The Examiner wishes to point out that French was not relied up in the Office Action to teach this claim element. As noted above, the primary reference, Candella, teaches the element of assigning weights to successful and unsuccessful confirmations.

With regards to claims 1-12 (noting that claims 6 and 9 are now canceled and the limitation of claim 9 is rolled up into claim 1 by the Applicants), the Applicants make the same argument as in claim 13. The Examiner respectfully disagrees with the arguments and directs the Applicants to the remarks and discussions made for the same arguments as presented for claim 13 (above.)

Specification Objection

5. The specification is objected to for failing to provide proper antecedent basis for the claimed subject matter of the newly amended claim 1. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o).

6. The originally filed specification lacks an explicit definition for the term “computer readable storage medium”. However, the newly amended independent claim 1 recites “a *computer readable storage medium* for storing an executable program”. There is no explicit mention of either a “computer readable storage medium” or any other types of “readable mediums” in the original specification. Appropriate correction is required.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Candella et al (U.S. Pub No. 2005/0021476 A1, hereinafter referred to as **Candella**) in view of French et al. (U.S. Publication No. 2003/0033526 A1, hereinafter referred to as **French**.)

As to claim 13, **Candella** teaches a method for facilitating maintenance of relationships between a user identity and an account related to said user identity (see paragraphs 1, 11, and 25) comprising:

at least one computer (see paragraphs 34 and 60);

assigning a positive weight (see paragraphs 32 and 41) for a transaction that is deemed a successful confirmation of a relationship between said user identity and said account (see paragraph 49, where “successful confirmation” is read on “successful answering”; and see “correct answers” in paragraph 56-59);

assigning a negative weight (see paragraphs 32, 35 and 43) for a transaction that is deemed an unsuccessful confirmation of a relationship between said user identity and said account (see paragraphs 13 and 49, where “unsuccessful confirmation” is read on “incorrect answers”); and

aggregating said positive and negative weights (see paragraph 58) to determine a usage history of a user identity (see paragraphs 12, 27, 30, 39 and 54-55, where “usage history of the user identity” is read on “name/address record has been matched within the *preselected period*”).

Candella does not explicitly teach determining a likelihood said user is correctly associated with said user identity; and using said likelihood with a hierarchical scheme of registration to allow or deny access to said user to different systems associated with the account.

However, **French** teaches a system and method for authenticating users on networks (see Abstract), in which he teaches determining a likelihood said user is correctly associated with said user identity (see paragraph 73); and using said likelihood with a hierarchical scheme of registration (see paragraph 58) to allow or deny access to said user to different systems associated with the account (see paragraphs 24 and 69.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Candella by the teachings of French, because doing so would result in a more secure and efficient access control mechanism, via which the system could verify if the user is the person he/she claims to be and based on the results of this validation grant or deny access to the user account, thereby preventing unauthorized access to users' accounts.

9. Claims 1-5, 7-8, and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bansal et al (U.S. Pub. No. 2003/0120593 A1, hereinafter referred to as Bansal) in view of Candella et al (U.S. Pub No. 2005/0021476 A1, hereinafter referred to as Candella), and further in view of Benson et al (U.S. Pub. No. 2004/0225632 A1, hereinafter referred to as Benson.)

As to claim 1, Bansal teaches a computing system for facilitating management of user identities (see paragraphs 344, and 370, and 374, where “user identities” is read on “user profiles”) comprising:

at least one computer (see “gateway” in figure 4);

a registration component (see paragraphs 29-36) configured to facilitate gathering information from users (see paragraphs 36, 342) and establishing a relationship between a user and an identity (see paragraphs 374, 527, and 881);

an ownership component (see paragraph 156, where “ownership” is read on “membership”) configured to facilitate verification of the ownership of an account and to

facilitate relating said ownership to said identity (see paragraphs 62, 239-240, 252, and 474, where “verification of ownership” is read on “verifying the identity of an entity”, and controlling access by the entity”);

an audit component (see paragraphs 80 and 99) configured to periodically facilitate monitoring said account and said identity (see paragraphs 35, 80, 97-100, and 535) to verify the integrity of the relationship (see paragraphs 352-453, and see paragraph 717, where “verifying the integrity” is read on “ensuring transaction integrity”) based on a hierarchical process (see paragraphs 66, 355, and 421.)

Bansal does not teach determining a usage history of said identity based on at least one transaction deemed a successful or unsuccessful confirmation of the relationship between said identity and an account;

assigning a positive weight for a successful transaction by an identity associated with said account;

assigning a negative weight for an unsuccessful transaction by an identity associated with said account; and

aggregating said positive and negative weights to determine the likelihood a claimed identity is the owner of said account.

Candella teaches a usage history (see paragraphs 53-55) based on at least one transaction deemed a successful or unsuccessful confirmation of the relationship between said identity and an account (see paragraphs 13, 43, 45, 49, 58, and 59);

assigning a positive weight (see paragraphs 32 and 41) for a successful transaction by an identity associated with said account (see paragraphs 49 and 58);

assigning a negative weight (see paragraphs 32, 35 and 43) for an unsuccessful transaction by an identity associated with said account (see paragraphs 13 and 49); and aggregating said positive and negative weights (see paragraph 58) to determine the likelihood a claimed identity is the owner of said account (see paragraph 30, where “the likelihood a claimed identity is the owner of said account” is read on “the probability that the purchaser is using another purchaser's identity in a fraudulent manner; and see paragraph 49.”)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Bansal by the teachings of Candella, because determining a usage history of said identity based on at least one transaction deemed a successful or unsuccessful confirmation of the relationship between said identity and an account, would ensure the integrity of a user (identity) with an account that the user (identity owner) claims to be his/her account, and would prevent unauthorized access to an account by users who do not successfully provide a correct answer, while allowing users who successfully provide a correct answer, to access their accounts; **and** because assigning a positive weight for a successful transaction by an identity associated with said account; assigning a negative weight for an unsuccessful transaction by an identity associated with said account; and aggregating said positive and negative weights to determine the likelihood a claimed identity is the owner of said account, would assist the system in “determining the risk that a person, such as a purchaser 20 seeking to buy a product or service, purchase a ticket or enter a location 21, is not who they claim to be”, as taught by Candella in paragraph 28 and figures 2A-2B, and it would enable the system “to determine the probability that the

purchaser is using another purchaser's identity in a fraudulent manner", as taught by Candella in paragraph 30.

Bansal as modified, still does not teach: a servicing component configured to facilitate maintaining and modifying information relating to said identity.

Benson teaches an automated information management system (see paragraph 2), in which he teaches: a servicing component (see paragraph 55-57) configured to facilitate maintaining and modifying information relating to said identity (see paragraphs 6, 28 and 47.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Bansal as modified, by the teaching of Benson, because including a servicing component configured to facilitate maintaining and modifying information relating to said identity, would enable the system to use a service component to write changes to the identity, if changes are to be applied to the identity information, as taught by Benson (see paragraphs 55). Benson also uses service components for various other functions dealing with identity information, for example, reading data from a drop file, and for and writing information (see paragraph 56), and for applying changes to the unified identity information (see paragraph 57.)

As to claim 2, Bansal as modified, teaches wherein:

said servicing component (see Benson, paragraphs 55-57) is further configured to be operated by users (see Benson, paragraphs 21, 25 and 74, and see Bansal, paragraphs 18 and 215.)

As to claim 3, **Bansal** as modified, teaches wherein:

said servicing component (see **Benson**, paragraphs 55-57) is further configured to be operated by one or more customer service representatives (see **Benson**, paragraphs 25 and 74, where “customer service representative” is read on “administrator”, and see **Bansal**, paragraphs 41, 70, and 239.)

As to claim 4, **Bansal** as modified, teaches wherein:

said ownership component (see **Bansal**, paragraph 156, where “ownership” is read on “membership”) is further configured to facilitate confirming the ownership of a user id (see **Bansal**, paragraphs 349 and 477.)

As to claim 5, **Bansal** as modified, teaches wherein said ownership component is further configured for:

analyzing ownership data (see **Bansal**, paragraphs 155-156, 395, 569 and 571); and
generating questions to be asked of a user to verify the identity of said user (see **Bansal**, paragraphs 351, 395, and 616.)

As to claim 7, **Bansal** as modified, teaches wherein:

said ownership component (see **Bansal**, paragraph 156, where “ownership” is read on “membership”) is further configured to facilitate confirming the ownership of an account (see **Bansal**, paragraphs 344, 355-357, and 384.)

As to claim 8, **Bansal** as modified, teaches wherein said ownership component is further configured to facilitate:

analyzing ownership data (see **Bansal**, paragraphs 155-156, 395, 569 and 571); and
generating questions to be asked of a user to verify the identity of said user (see **Bansal**, paragraphs 351, 395, and 616.)

As to claim 10, **Bansal** as modified, teaches wherein:

said audit component (see **Bansal**, paragraphs 80 and 99) is configured to facilitate periodic confirmation of ownership information from said user (see **Bansal**, paragraphs 35, 80, and 424.)

As to claim 11, **Bansal** as modified, teaches wherein said audit component (see **Bansal**, paragraphs 80 and 99) is configured to facilitate periodic confirmation of identity information (see **Bansal**, paragraphs 349 and 474-477.)

As to claim 12, **Bansal** as modified, teaches wherein said information from said users comprises biometric information (see **Bansal**, paragraphs 63 and 475.)

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Tony Mahmoudi whose telephone number is (571) 272-4078. The examiner can normally be reached on Mondays-Fridays from 08:00 am to 04:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christian Chace, can be reached at (571) 272-4190.

March 3, 2008

/Tony Mahmoudi/

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